

ADVANCE COPIES: FALKLAND ISLANDS

(30)

IMMEDIATE

PS
 PS/MR HURD
 PS/MR ONSLOW
 PS/PUS
 MR GIFFARD
 MR WRIGHT
 MR ADAMS
 MR URE
 MR GILLMORE
 HD/S AM D (FCO DIST + A/D F/I)
 ED/DEF D
 ED/NEWS D
 ED/UND
 ED/PLANNING STAFF
 MR ANTHONY WILLIAMS W60
 RESIDENT CLERK

PS NO 10 DOWNING ST
 PS/S OF S FOR DEFENCE
 PS/CHANCELLOR)
 SIR K COUZENS)
 MR LITTLER)
 MR HAWTIN)
 MR PERETZ) TREASURY
 MR ILETT)
 MR McINTYRE)
 MISS DICKSON (EIP DIV) D/EN
 DIO CABINET OFFICE
 MR WADE-GERY CABINET OFFICE
 MR FULLER SAPU/DIO " "
 SIR M PALLISER CABINET OFFICE
 SIR R ARMSTRONG " "

(Copy passed to Emergency Staff)

CONFIDENTIAL

FROM UKMIS NEW YORK 291946Z APR 82
 TO IMMEDIATE F C O
 TELEGRAM NUMBER 601 DATED 29 APRIL 82

YOUR TELNO 75 TO BERNE: FURTHER NOTIFICATION TO ARGENTINA

1. ARGENTINA HAS CIRCULATED A LETTER (S/15009, SENT BY FACSIMILE TO THE EMERGENCY UNIT) ABOUT THE TEZ WHICH ASSERTS THAT WE CANNOT INVOKE THE RIGHT OF SELF-DEFENCE UNDER ARTICLE 51. I RECOMMEND THAT, WHEN I CONVEY TO THE SECURITY COUNCIL THE COMMUNICATION IN PARAGRAPH 1 OF THE TELEGRAM UNDER REFERENCE, I SHOULD AT THE SAME TIME REFUTE THE ARGENTINE ARGUMENT, DRAWING UPON YOUR GUIDANCE TELNO 81.

2. MY DRAFT REPLY IS AS FOLLOWS:
 BEGINS

FURTHER TO MY LETTER OF 28 APRIL (S/15006) AND ON INSTRUCTIONS FROM MY GOVERNMENT, I HAVE THE HONOUR TO INFORM YOU THAT THE FOLLOWING COMMUNICATION WAS DELIVERED BY THE GOVERNMENT OF THE UNITED KINGDOM TO THE GOVERNMENT OF ARGENTINA ON 29 APRIL 1982:

SQUARE BRACKETS BEGIN TEXT OF COMMUNICATION SQUARE BRACKETS END

SQUARE
BOTH TEXT OF COMMUNICATION SQUARE BRACKETS END

THIS COMMUNICATION HAS BEEN MADE NECESSARY BY THE CONTINUED REFUSAL OF ARGENTINA TO COMPLY WITH PARAGRAPH 2 OF SCR 502. IN THESE CIRCUMSTANCES, THE UNITED KINGDOM RETAINS THE RIGHT TO TAKE MEASURES IN EXERCISE OF ITS INHERENT RIGHT OF SELF-DEFENCE RECOGNISED BY ARTICLE 51 OF THE CHARTER.

2. SQUARE BRACKETS BEGIN TEXT OF PARA 2 OF GUIDANCE TELNO 81 SQUARE BRACKETS END

3. SQUARE BRACKETS BEGIN TEXT OF PARA 3 OF GUIDANCE TELNO 81 SQUARE BRACKETS END

4. ALTHOUGH ARTICLE 51 PRESERVES THE INHERENT RIGHT OF SELF-DEFENCE "UNTIL THE SECURITY COUNCIL HAS TAKEN MEASURES NECESSARY TO MAINTAIN INTERNATIONAL PEACE AND SECURITY'", THIS CAN ONLY BE TAKEN TO REFER TO MEASURES WHICH ARE ACTUALLY EFFECTIVE TO BRING ABOUT THE STATED OBJECTIVE. CLEARLY THE SECURITY COUNCIL'S DECISION IN SCR 502 HAS NOT PROVED EFFECTIVE. THE UNITED KINGDOM'S INHERENT RIGHT OF SELF-DEFENCE IS THUS UNIMPAIRED.

5. FOR THESE REASONS, THE ARGUMENTS IN THE LETTER DATED 28 APRIL FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA (S/15009) CANNOT BE ACCEPTED. THE FALKLAND ISLANDS ARE BRITISH TERRITORY AND THE RIGHT OF SELF-DEFENCE AGAINST THE ARGENTINE INVASION AND ILLEGAL OCCUPATION REMAINS UNIMPAIRED. IT WAS ARGENTINA WHICH, BY ITS FIRST USE OF FORCE IN DEFIANCE OF THE CALL IN THE SECURITY COUNCIL ON 1 APRIL (S/14944), COMMITTED AN ACT OF AGGRESSION WITHIN THE MEANING OF THE "DEFINITION OF AGGRESSION" CONTAINED IN GAR 3314 (XXIX). THIS HAS ALREADY BEEN MADE CLEAR IN MR WHYTE'S LETTER OF 11 APRIL (S/14964). FINALLY, AS REGARDS THE ALLEGATIONS BY THE PERMANENT REPRESENTATIVE OF ARGENTINA ABOUT THE DISPROPORTIONATE USE OF FORCE AND A "BLOODY ACT OF AGGRESSION AGAINST SOUTH GEORGIA", I WOULD DRAW YOUR EXCELLENCY'S ATTENTION TO THE FACTS THAT SOUTH GEORGIA WAS RESTORED TO BRITISH CONTROL BY A FORCE SMALLER THAN THE NUMBER OF ARGENTINE PRISONERS IT TOOK AND THAT ONLY ONE MEMBER OF THE ARGENTINE FORCES WAS INJURED, AND NONE KILLED, BEFORE THE ARGENTINE SURRENDER.

ENDS

3. GRATEFUL FOR INSTRUCTIONS BY 301400Z

PARSONS